

December 15, 2005

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
December 15, 2005

I. OPENING OF MEETING AT 9:15 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; and John Wank (Guardianship & Advocacy Commission).

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 17, 2005

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD NOVEMBER 17, 2005.**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging .....	154 .....	8
Agriculture .....	504 .....	17
Arts Council .....	22 .....	1
Capitol Development Board .....	16 .....	0
Central Management Services .....	1651 .....	119
Children and Family Services .....	3304 .....	41
Civil Service Commission .....	4 .....	0
Commerce & Econ. Opportunity .....	442 .....	61
Commerce Commission .....	42 .....	0
Corrections.....	14,070 .....	117
Criminal Justice Authority.....	78 .....	6
Deaf and Hard of Hearing Comm. ....	5 .....	1
Developmental Disabilities Council .....	13 .....	1
Emergency Management Agency.....	112 .....	1
Employment Security .....	1862 .....	26
Environmental Protect. Agency .....	1071 .....	16
Fin. & Prof. Regulation .....	794 .....	38
Guardianship and Advocacy .....	109 .....	5
Healthcare and Family Services.....	2170 .....	28
Historic Preservation Agency.....	255 .....	12
Human Rights Commission.....	11 .....	2
Human Rights Department .....	130 .....	8
Human Services .....	14,808 .....	60
Investment Board.....	4 .....	2
Labor.....	71 .....	7
Labor Relations Board Educational .....	16 .....	2
Labor Relations Board Local.....	1 .....	0
Labor Relations Board State .....	18 .....	2
Law Enforce. Trng. & Standard Bd. ....	23 .....	1
Medical District Comm. ....	2 .....	0
Military Affairs .....	143 .....	3
Natural Resources.....	1472 .....	27
Pollution Control Board .....	26 .....	3
Prisoner Review Board .....	23 .....	0
Property Tax Appeal Board .....	22 .....	2
Public Health .....	1106 .....	35
Revenue.....	2017 .....	59
State Fire Marshal .....	140 .....	9
State Police .....	1456 .....	6
State Police Merit Board .....	5 .....	1
State Retirement Systems .....	79 .....	1
Transportation .....	2869 .....	1
Veterans Affairs .....	1134 .....	5
Workers Comp. Commission .....	165 .....	9
TOTALS .....	52,419 .....	743

**B. Governing Rule - Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  - 1. The Governor, or
  - 2. A departmental director or assistant director appointed by the Governor, or
  - 3. A board or commission appointed by the Governor, or
  - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
  
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
  - 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  - 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Requests for 4d(3) Exemption**

- Regarding Item C, Executive Director Daniel Stralka indicated that the staff was going to recommend that the Commission deny the request. However, Central Management Services (CMS) withdrew the position from consideration.
- Regarding Item D, Executive Director Daniel Stralka reported that the staff had questions regarding possible overlap of responsibilities with other previously exempted positions at the Lottery. The staff recommended a continuance to allow for additional investigation.
- Regarding Item E, Executive Director Daniel Stralka reported that the position functions as one of two legislative liaisons for the Agency, a historically exempted position. For this reason, the staff recommended exemption.
- Regarding Item F, Executive Director Daniel Stralka reported that the proposed position met the reporting and policy making requirements of Rule 11. For these reasons, the staff recommended exemption.
- Regarding Item G, Executive Director Stralka reported that the staff had questions regarding an unusually high number of vacancies within the currently exempted positions at the Agency. Until a satisfactory explanation could be provided to the Commission, the staff recommended that the request be continued.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT OR CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) requests for exemption were granted at the December 15, 2005 meeting:**

Illinois Environmental Protection Agency

Position Number: 37015-46-00-000-00-01  
Position Title: Public Service Administrator  
Bureau/Division: Legislative Affairs  
Functional Title: Legislative Liaison  
Incumbent: None  
Supervisor: Legislative Liaison  
Location: Sangamon County

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Guardianship & Advocacy Commission

Position Number: 40070-50-70-060-00-02  
Position Title: Senior Public Service Administrator  
Bureau/Division: Human Resources Office  
Functional Title: Human Resources Director  
Incumbent: None  
Supervisor: Director  
Location: Cook County

**The following 4d(3) requests for exemption were continued until the January 19, 2006 meeting:**

Illinois Department of Revenue

Position Number: 40070-25-91-000-00-01  
Position Title: Senior Public Service Administrator  
Division: Lottery Sales  
Functional Title: Deputy Director  
Incumbent: Kristine A. Hanlon  
Supervisor: Lottery Superintendent  
Location: Cook County

Illinois Department of Public Health

Position Number: 40070-20-07-100-00-01  
Position Title: Senior Public Service Administrator  
Division: Director's Office-Hearing Review  
Functional Title: Chief Administrative Law Judge  
Incumbent: None  
Supervisor: Assistant Director  
Location: Sangamon County

V. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER EWELL AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>YES</b>
<b>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

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VI. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Chicago, Illinois at 10:40 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards, Raymond W. Ewell, Betty Bukraba, and Barbara Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

VII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of November 30, 2005.

<b>Agency</b>	<b>10/31/2005</b>	<b>11/30/2005</b>
Aging	0	1
Agriculture	3	3
Arts Council	0	1
Central Management Services	3	6
Children & Family Services	4	5
Comm. & Econ. Opportunity	1	1
Emergency Mgmt. Agency	1	1
Environmental Protection	0	1
Healthcare & Family Services	12	11
Historic Preservation	9	1
Human Services	0	1
Human Rights	1	1
Natural Resources	22	25
State Retirement Systems	1	0
Transportation	29	11
Veterans Affairs	0	2
Total	86	71

VIII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

- **CONSOLIDATED LAYOFF APPEAL**<sup>1</sup>

**LA-42-05**

Petitioner	Timothy D. Kielar	Appeal Date	1/25/05
Agency	DNR	Decision Date	9/28/05
Type of Appeal	Layoff Appeal	ALJ	Andrew Barris
Charge(s)	Violation of Personnel Rules	Proposed Finding	No Violation with the exception of LA-45-05 in which reinstatement is ordered for failure to provide an explanation for any layoff not in order of continuous service.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 4-0 THE MOTION WAS ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE’S PROPOSED FINDING THAT THERE IS NO VIOLATION OF THE PERSONNEL RULES WITH THE EXCEPTION OF LA-45-05.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>ABSTAINED</b>
<b>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

- **DISCHARGE APPEAL**

**DA-79-05**

Petitioner	Hope Stoldt	Appeal Date	06/01/05
Agency	DCFS	Decision Date	12/05/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming; misuse of state equipment (telephone)	Recommended Decision	Charges are partially proven and warrant a 1-day suspension in lieu of discharge.

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<sup>1</sup> The following layoff appeals were consolidated under Timothy D. Kielar, LA -42-05: Jeffrey Wepprecht, LA -43-05; Charles Montgomery, LA -44-05; Loren Swanson, LA -45-05; David Pinski, LA -46-05; K. Andy West, LA -47-05; Robert Myers, LA -48-05; Nick Ignelzi, LA -49-05; Ray Coleman, LA -50-05; Molie Oliver, LA -52-05; and Greg Behm, LA -53-05.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER RICHARDS AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE CHARGES ARE PARTIALLY PROVEN AND WARRANT A 1-DAY SUSPENSION IN LIEU OF DISCHARGE.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>YES</b>
<b>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

- **DISCHARGE APPEAL**

**DA-2-06**

Petitioner	Abbe Eldred	Appeal Date	07/07/05
Agency	Dept. of Agriculture	Decision Date	12/05/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Failure to provide medical documentation for disability leave	Recommended Decision	Charges are proven but circumstances warrant 90-day suspension in lieu of discharge

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND BY ROLL CALL VOTE OF 3-2 THE MOTION ADOPTED TO MODIFY THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND REDUCE THE 90-DAY SUSPENSION TO 30 DAYS IN LIEU OF DISCHARGE BECAUSE IT IS MORE REFLECTIVE OF PROGRESSIVE DISCIPLINE AND IS IN RECOGNITION OF HER EFFORTS TO OBTAIN THE MEDICAL DOCUMENTATION.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>YES</b>
<b>EWELL</b>	<b>NO</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>NO</b>		

IX. **APPEALS TERMINATED WITHOUT DECISION**

- **WITHDRAWN**

**DA-3-06**

Respondent	Mardi Hartshorn	Appeal Date	07/07/05
Agency	DHS	Decision Date	12/02/05
Type of Appeal	Discharge	ALJ	Daniel Stralka
Charge(s)	Breach of security; failure to report contraband.	Recommended Decision	Settlement; withdrawn subject to Commission approval.

• **DISMISSAL**

**DA-19-06**

Petitioner	Rickey Pritchard	Appeal Date	09/27/05
Agency	CMS	Decision Date	12/02/05
Type of Appeal	Discharge	ALJ	Andrew Barris
Charge(s)	Ethical Standards (theft), Misuse, Abuse, Conduct unbecoming.	Recommended Decision	Settlement; dismissal subject to Commission approval.

**IT WAS MOVED BY COMMISSIONER RICHARDS, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION UNANIMOUSLY ADOPTED TO AFFIRM THE ADMINISTRATIVE LAW JUDGES' DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS, MARDI HARTSHORN, AND RICKEY PRITCHARD.**

<b>PETERSON</b>	<b>YES</b>	<b>KOLKER</b>	<b>YES</b>
<b>EWELL</b>	<b>YES</b>	<b>BUKRABA</b>	<b>YES</b>
<b>RICHARDS</b>	<b>YES</b>		

X. **AMENDMENTS IN CLASS SPECIFICATIONS**

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER RICHARDS AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICIATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

XI. **STAFF REPORT**

- Executive Director Daniel Stralka reported that staff met with senior staff of the Office of Management and Budget on December 14, 2005 regarding the FY07 budget. At that meeting, they agreed to recommend approval of the Commission's FY07 request as submitted.

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- Executive Director Daniel Stralka reported that he has been having discussions with Jeffrey Shuck, Deputy General Counsel at Central Management Services and they have agreed on a new process for submitting amendments to the Personnel Rules to the Civil Service Commission for its approval.

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, January 19, 2006 at 9:00 a.m. in the Commission's Chicago Office.

XIII. MOTION TO ADJOURN

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING AT 10:50 A.M.**